

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

DANIEL MADDOX

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:15-cv-00866-TSL-RHW

**CITY OF BRANDON, MISSISSIPPI, WILLIAM
THOMPSON, AND CHRIS BUNCH**

DEFENDANTS

**DEFENDANTS' UNOPPOSED MOTION
TO FILE UNDER SEAL DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT, SUPPORTING MEMORANDUM
AND SUPPORTING EXHIBITS**

COME NOW, Defendants, City of Brandon, Mississippi, William Thompson, and Chris Bunch, (collectively referred to as “Defendants”), by and through their counsel of record, pursuant to L. U. Civ. R. 79, and respectfully submits the following Motion to Seal Defendants’ anticipated Motion For Summary Judgment, supporting Memorandum and supporting exhibits, and to submit these documents to the Court through conventional filing. In support of this Motion, Defendants would show as follows:

1. This case expressly deals with prescription drugs obtained by Plaintiff from his physicians, and other medical information expressly relating to Plaintiff. By necessity, Defendants’ anticipated Motion For Summary Judgment, supporting Memorandum and supporting exhibits will contain specific references to such information.

2. The motion deadline in this case is October 24, 2016.¹ Defendants anticipate filing their Motion for Summary Judgment on or before the motion deadline.

3. Because of the subject matter of the instant case, Defendants’ anticipated Motion for summary judgment and supporting Memorandum will contain specific references to Plaintiff’s medical information, including records of visits to healthcare providers and

¹ See Pacer Docket Entry No. 18 (Case Management Order).

medications prescribed. Likewise, Defendants' supporting exhibits, including deposition transcripts, medical records, prescription records, and other records also will contain such information. Because such information is integral to the factual and legal aspects of this case, it would be omnipresent in Defendants' Motion, Memorandum and exhibits, and it would be impractical and inconvenient to the Court to submit such extensively redacted documents by ECF filing. Even if such specific references were to be redacted, the context of the non-redacted portions is highly likely to communicate the gist of the confidential information in question.

4. Defendants are aware that "a court must use caution in exercising its discretion to place records under seal", and that consideration of such a motion must take into account the strong presumption that court records are public and weigh that principle against any countervailing interests that would be served by closure. *United States v. Holy Land Found. for Relief and Dev.*, 624 F.3d 685, 689-691 (5th Cir. 2010). While the documents in question are of relevance to this case and warranting the Court's consideration as to factual and legal issues, no public interest is served by public disclosure of such medical and health related information, and there would be no prejudice to the public interest by allowing them to be submitted under seal.

5. Plaintiff's counsel has been contacted and on September 21, 2016, he communicated that has no objection to the instant Motion.

6. If the Court grants the instant Motion, Defendants' Motion for Summary Judgment, supporting Memorandum and exhibits will be provided to Plaintiff's counsel contemporaneously with the conventional filing under seal of Defendants' Motion for Summary Judgment, supporting Memorandum and exhibits. Subject to the preference, request and convenience of the Court, Defendants also will provide the Court with either an additional hard copy of all documents or a digital copy in PDF format or any other requested format. All conventionally filed documents will comply with the requirements of L. U. Civ. R. 79(e).

7. In light of the nature of this Motion, Defendants respectfully requests the Court waive the requirement of a separate memorandum brief pursuant to L. U. Civ. R. 79(e)(4).

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request this Court enter an order granting Defendants leave to file under seal its anticipated Motion for Summary Judgement, supporting Memorandum and exhibits.

THIS, the 30th day of September, 2016.

Respectfully submitted,

PHELPS DUNBAR LLP

BY: /s/ Mark Fijman

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**ATTORNEYS FOR DEFENDANTS CITY OF
BRANDON, MISSISSIPPI, WILLIAM
THOMPSON, AND CHRIS BUNCH**

CERTIFICATE OF SERVICE

I, MARK FIJMAN, do hereby certify that on September 30, 2016 I electronically filed the above and foregoing ***DEFENDANTS' UNOPPOSED MOTION TO FILE UNDER SEAL DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, SUPPORTING MEMORANDUM AND SUPPORTING EXHIBITS*** with the Clerk of the Court using the CM/ECF system which sent notification of such filing to following counsel of record:

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ATTORNEY FOR PLAINTIFF

SO CERTIFIED, this the 30th day of September, 2016.

/s/ Mark Fijman

MARK FIJMAN